IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6413 OF 2005

Smt.Kanagalakshmi w/o.
A.Venkatesan .. Petitioner

Versus

A. Venkatesan .. Respondent

Ms.Bhavana Shah i/b. Kokila Venkatachalam for petitioner.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 13th February 2006.

P.C.

. Heard Ms.Shah for petitioner. Perused the order passed by the trial court dated 23rd

July 2004 on the application for interim alimony.

2. Writ Petition under Article 227 of the Constitution of India is not an academic exercise. In the facts and circumstances of this case when the main matrimonial petition is disposed of by the family court and even direction to pay permanent alimony is issued, no useful purpose will be served by scrutinising the legality and validity of the impugned order and more particularly the limited challenge thereto. Normally maintainance should be granted from the date of application. But here, the trial court has chosen a date because it was influenced by the fact that the application for interim alimony was pending for no fault of parties.

3. Such direction is issued in the peculiar facts of this case and naturally would not constitute a precedent in all matters before family court. Petition dismissed.

(S.C.DHARMADHIKARI, J)